

REMARKS/ARGUMENTS

The Examiner's continued attention to the present application is noted with appreciation. However, we note that Applicant's claims have been rejected, allowed, rejected, allowed and are now rejected again.

In the Office Action dated April 4, 2003, the Examiner, on page 5, stated that "[c]laims 46, 48, and 55-58 ...would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims." The series of Office Actions which led the Examiner to conclude that these claims contained allowable subject matter relied on all the prior art which is now being cited by the Examiner, except for Telesio, used to reject claims 65, 83, and 100 (which are merely dependent claims). All of the claims previously presented (claims 41-109) were considered allowable by the Examiner. Now, only claims 41-59 are deemed allowable and no new art has been cited against the independent claims!

The history follows: the subject matter of claim 48 was rewritten in independent form including all limitations of its base claim, thus creating new claim 60. The subject matter of claim 55 was rewritten in independent form including all limitations of its base claim, thus creating new claim 76. The subject matter of claim 56 was rewritten in independent form including all limitations of its base claim, thus creating new claim 93. Therefore, current claims 41, 60, 76, and 93 are claims which the Examiner had indicated would be allowable if amended as they were presented previously and in this response. Claims 61-75, 77-92, and 94-109 were added as dependent claims of those rewritten claims, and these dependent claims were the same. These three sets of dependent claims depend upon claims 60, 76, and 93. As previously stated, claims 60, 76, and 93 include all the limitations of claims 48, 55, and 56 respectively, which were indicated as being allowable by the Examiner in the April 4, Office Action. No new claims were added. Since claims 61-75, 77-92, and 94-109 are dependent claims which further limit the scope of those claims previously indicated as being allowable, these claims were also believed allowable.

Claim 46 has been canceled since its subject matter was previously incorporated into claim 41 from which it depends.

Claim 76 has been amended in this office action to remove the extra "and" from the claim, but otherwise remains the same.

Claim 85 has been amended in this office action to correct the spelling of suppression, but otherwise remains the same.

Claim 93 has been amended in this office action to include an "and" before the last element of the claim, but otherwise remains the same.

As shown in the claims history chart, the Examiner indicated that claim 48 would be allowable if it was written in independent form including all limitations of the independent claim. Unfortunately for Applicant, the Examiner neglected to examine other claims that were at issue, and therefore issued a supplemental Office Action. In the supplemental Office Action, the Examiner reversed his allowance and rejected claim 48 under § 103, relying on Veath Sr., which was previously cited against other claims by the Examiner. Applicant then responded with an argument. The Examiner, relying on Bower and Arnold, both previously cited, rejected claim 48, the same claim that the Examiner indicated would be allowable on July 17, 2002. Applicant then amended claim 48, and this time the Examiner stated that it would be allowable if it were written in independent form and included all limitations of the independent. Still wishing to get the claim allowed, Applicant redrafted claim 48 into new claim 60, following the directions of the Examiner. The Examiner apparently changed his mind yet again and rejected claim 60 under § 103 relying on Pestotnik, Carrier, and Arnold. While this was the first time this particular combination had been created to reject claim 60, all of these references had previously been cited by the Examiner to reject other claims, and on none of these other occasions did the Examiner see fit to reject claim 48 in this manner.

Turning our attention now to claim 55, the claim history chart shows that claim 55 was originally acknowledged but not considered by the Examiner. The Examiner thereafter issued a supplemental Office Action and rejected claim 55 under § 103, relying on Veath Sr. and Matsushita. Applicant then responded with argument, and claim 55 was once again rejected under § 103, this time however, the Examiner relied on Bower and Matsushita. Applicant responded with argument that claim 55 was allowable over this prior art. The Examiner apparently agreed with Applicant and stated that claim 55

would be allowable if it were rewritten into independent form and included the limitations of the independent claim. Having unwavering faith and hope, Applicant created new claim 76 as directed. The Examiner once again had a change of heart and rejected claim 76 under § 103, relying on the previously cited references of Pestotnik, Carrier, and Matsushita, the same Matsushita which the Examiner had previously agreed did not render Applicant's claim 55 obvious, and the same Pestotnik and Carrier cited against claim 41 in the past (which was then continued with claim 55 to create claim 76).

Finally, turning now to claim 56 in the claim history chart, we see that the Examiner originally indicated that it would be allowable if it were rewritten in independent form and included all the limitations of the independent claim. This victory for Applicant, however, was short lived and even though new claim 93 was created according to the Examiner's direction, claim 93 was rejected under § 103, relying on the previously cited references of Pestotnik, Carrier, and Matsushita.

As can be seen, the Examiner is unfairly rejecting, allowing and rejecting claims based on all the same prior art. Applicant and his attorneys have spent enormous effort trying to appease the Examiner's concerns, but our efforts have been ignored. We believe the Examiner did not really review how the claims were presented (no new matter) after being deemed allowable and we request reconsideration of this application.

The only prior art which has not previously been cited by the Examiner is that of Telesio. This previously unconsidered prior art is used by the Examiner to reject dependent claims 65, 83, and 100 under 35 U.S.C. § 103(a). Although each of these claims is dependent upon a claim previously indicated as being allowable, and thus should also be deemed allowable, Applicant's invention is not rendered obvious in light of Telesio. The device of Telesio is directed toward "a refuse collection vehicle". Applicant's invention is directed toward "a small, maneuverable...vehicle", designed to be used "in situations where larger and more cumbersome traditional fire-fighting vehicles cannot gain access" (page 1, lines 13-17). One designing such a vehicle would not look to large trash trucks. Since Applicant's invention relates to a small maneuverable vehicle, and because Telesio is directed to large cumbersome vehicles, Telesio teaches away from Applicant's invention.

Regarding the references which are once again used to reject Applicant's claims, the device of Pestotnik relates to common three and four-wheelers. It would be difficult to envision a vehicle which would provide even less protection for a driver when fighting fires than that provided by such three and four-wheelers. The disclosure of Pestotnik fails to teach or hint at the ability to change its basic nature by completely redesigning virtually every aspect of it so that a versatile fire-fighting vehicle results. Carrier fails to teach or hint that its disclosure could be combined with any other to result in Applicant's invention. The disclosure of Carrier is directed toward a six-wheeled vehicle. Applicant's invention is directed toward a three-wheeled vehicle. Applicant's front wheel has the ability to rotate 360-degrees. The deficiencies of Carrier are not rendered obvious by simply listing several other disclosures which are wholly unrelated and which also fail to disclose or even hint at the ability to combine such unrelated devices. The disclosure of Arnold is related to a fork-lift. Since the ability of a fork-lift to fight fires is unknown in any art, it is difficult to imagine that one skilled in any art would look toward the disclosures of fork-lifts when designing a fire-fighting vehicle. Further, the Examiner misconstrues the disclosure of Arnold. Arnold does not teach a single front wheel that is capable of rotating 360-degrees. Rather, Arnold teaches a fork-lift having two rear wheels which can rotate in unison, since the two wheels are connected through the use of yoke 144. Applicant's invention does not obtain its steering function through the use of two rear wheels. Applicant's invention has a single front wheel which provides the steering function of the vehicle.

The disclosure of Matsushita specifically teaches away from Applicant's invention. The disclosure of Matsushita states that it is a "steering control system for a tracked vehicle having a left track and a right track, e.g., a bulldozer". Applicant's invention is not a bulldozer. Applicant's invention does not have a left track. Applicant's invention does not have a right track. In fact, Applicant's invention is not a tracked vehicle of any kind. Thus, one would not look to the teachings of an invention, which is directed toward tracked vehicles, when designing a vehicle that has no tracks.

Since neither Pestotnik, nor Carrier, nor Arnold disclose or even hint at the ability or benefits which would be achieved in combining their teachings, the addition of the teachings from Bolton, Atkins,

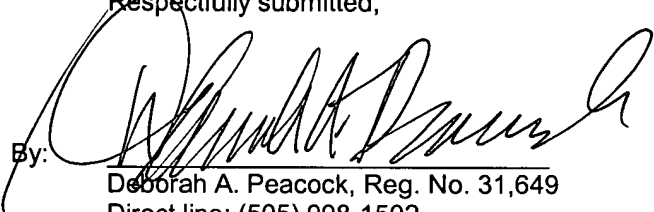
Telesio, Star, Willard Jr, or Matsushita do not render Applicant's invention obvious over these un-combinable and entirely unrelated references.

In view of the above amendments and remarks, it is respectfully submitted that all grounds of rejection and objection have been avoided and/or traversed. It is believed that the case is now in condition for allowance and same is respectfully requested.

If any issues remain, or if the Examiner believes that prosecution of this application might be expedited by discussion of the issues, the Examiner is cordially invited to telephone the undersigned attorney for Applicant at the telephone number listed below.

Respectfully submitted,

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